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SUBJECT: CHILD PRISONERS HELD IN ADULT FACILITIES IN THE PHILIPPINES

1. (U) Summary: According to official and NGO sources, approximately 1,500 children are currently incarcerated among the adult inmate population in the Philippines. NGOs strongly advocate that the GRP work to segregate children from the general prison population. The GRP says it is trying to do this, but notes that its capabilities are overstretched. NGOs are working to speed up the handling of children's cases in order to reduce the juvenile prison population, while the USG is sponsoring programs focused on helping the GRP reduce prison overcrowding in general. NGOs believe that children held in integrated conditions with adults are highly vulnerable to sexual abuse, recruitment into gangs, and forced labor. End Summary.

Child Prisoners in Adult Facilities

2. (U) According to official and NGO sources, approximately 1,500 children are currently incarcerated among the general adult prisoner population in the Philippines. (Note: Authorities segregate approximately an equal number of youths from the general adult population in special juvenile prisons and detention facilities.) The Bureau of Jail Management and Penology (BJMP) reports that most youth inmates are aged 9-17. Many of these youths come from poor families that live in urban slums or rural villages and many are elementary school dropouts, according to the Department of Social Welfare and Development (DSWD). Many of the juvenile inmates have been convicted of crimes involving common theft and substance abuse. However, some of them face charges of more serious crimes, such as murder, rape and robbery. Overcrowding and diseases are common conditions in the jails. Most cells do not have windows and many children are susceptible to skin diseases due to the poor ventilation.

3. (U) The Philippine government's "Child and Youth Welfare Code" and the "Rules on the Apprehension, Investigation, Prosecution and Rehabilitation of Youthful Offenders" provide the primary source of protection for children in legal trouble. This law and its rules outline the framework for the treatment of children from the moment of their apprehension to the conclusion of their rehabilitation or jail sentence. The law makes clear that children from nine to 15 years old who are found guilty of a crime should be committed to the custody of DSWD and housed in proper, segregated rehabilitation facilities. Despite the law, however, many children are housed in jails for adults and at adult detention centers. For example, only 212 out of 1135 jails run by BJMP segregate the minor population.

GRP Efforts to deal with Problem

4. (U) The GRP says it is trying to separate children from the general adult population, but admits that its capabilities are overstretched and that it cannot afford to house all children in separate facilities. Despite these problems, the BJMP, DSWD, and three local government units in Metro Manila run rehabilitation centers as a way to cater to the special needs of the young, especially those deemed most vulnerable. At these facilities, children participate in activities such as counseling, and some of these facilities provide non-formal education. The DSWD also carries out community-based programs, which are meant to remove children from the prison system when possible. DSWD has served 119 youthful offenders through this sort of intervention. Children in this program are released from detention and permitted to live with their parents or members of the community while awaiting arraignment or trial. Some children who are already on trial remain in the custody of their parents, although social worker visits are legally-mandated in such cases.

5. (U) On December 20, 2004, the Supreme Court launched "Justice on Wheels," a World Bank-funded project, that aims, in part, to reduce delays in the resolution of cases through the use of mobile courts that travel nationwide. As of April 15, 2005, "Justice on Wheels" had heard 265 cases involving children, resulting in the release of 167 youths. "Justice on Wheels" referred an additional 98 cases for rehabilitation, probation or trial.

NGO/USG Programs

16. (U) NGOs strongly advocate that the GRP work to segregate children from the general prison population to the full extent possible. They also work to release children from adult prisons and to provide rehabilitation programs. To supplement the limited number of court-appointed social workers, for example, People's Recovery Empowerment Development Assistance Foundation (Preda), an NGO, recruits students from law schools and social work departments in Metro Manila colleges to work on child-related cases. In cases where children are jailed in disregard of legal procedures, Preda asks the judge to drop charges or release the child to its care while he or she awaits trial. Another NGO, Kokkyo naki Kodomotachi (KnK), provides programs for children, but concentrates on 17 year olds whose cases involve serious crimes. KnK provides a home for approximately 25 children in its "House for Youth," where it provides medical care, counseling and education. Overall, in 2004, KnK helped rescue 130 children from jails.

17. (U) The USG is working to help the GRP reduce prison overcrowding in general. USAID, for example, supports The Asia Foundation's Jail Decongestion Project. TAF estimates that Philippine jails are operating at 135-172 percent above capacity. Overcrowding is exacerbated by the lack of adequate legal representation available to the accused, particularly those who are indigent. Between November 2003 and March 2005, USAID-funded legal counseling resulted in the release of 1,221 prisoners, who had already served their time. (Note: Many of these prisoners were never convicted, but had already served longer than the maximum sentence they would have received if they had been convicted.)

Comment

18. (U) The problem of children held in adult facilities is a serious one. NGOs believe that these children are highly vulnerable to sexual abuse, recruitment into gangs, and forced labor, although there are no statistics available. The GRP is aware that current practices are harmful to children, and that it needs to do more to protect children and segregate them from the rest of the inmate population. As reviewed above, NGOs are doing some positive work in this area, as is the U.S.-supported prison decongestion project with TAF. Mission will continue to review possible ways that it can assist the GRP and NGOs in tackling this problem.